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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

THOMAS PEREZ, Secretary of)
Labor, United States Department)
of Labor,)
)
Plaintiff,)
)
vs.)No. 2:12-cv-01406-RSM
)
LANTERN LIGHT CORPORATION,)
d/b/a ADVANCED INFORMATION)
SYSTEMS, a corporation; DIRECTV)
LLC, a limited liability)
company; and RAMON MARTINEZ,)
an individual,)
)
Defendants.)
_____)

DEPOSITION UPON ORAL EXAMINATION
OF
JOSHUA GUTTORMSEN
Wednesday, January 28, 2015
9:23 a.m.
300 Fifth Avenue
Seattle, Washington

Reported by:
Cheryl Macdonald, CRR, RMR
Court Reporter
JOB No. 150128CMA

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A P P E A R A N C E S

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ALSO PRESENT: ALEX VAN SCHAICK

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1 JOSHUA GUTTORMSEN, witness herein, having been first
2 duly sworn by the Certified Court
Reporter, deposed and said as
follows:

3

4 EXAMINATION

5 BY MR. MILLER:

6 Q. Mr. Guttormsen, my name is Jeremiah Miller.
7 I'm an attorney with the United States Department of
8 Labor. I'm here today to take your deposition in the
9 matter of Perez vs. Lantern Light Corporation, doing
10 business as Advanced Information Services, Ray
11 Martinez, and DirecTV.

12 Have you ever had your deposition taken
13 before?

14 A. I have not.

15 Q. So, before we really get started, I'm just
16 going to go over some of the ground rules of the
17 deposition. I'm going to ask you questions. Unless
18 your attorney instructs you not to answer those
19 questions, you're required to give me an answer. A
20 key part of this is that you give verbal answers.
21 Because you can see the court reporter is transcribing
22 what's happening here, nods or shakes of the head,
23 they just don't come across.

24 The same with things like "uh-huh" and
25 "huh-uh." They look kind of the same in the

1 transcript. So if the answer is "Yes" I need a "Yes;"
2 if it's a "No" I need a "No." If it's something else
3 I just need you to say it out loud.

4 The other key parts, sort of, to keep the
5 transcript clear is we need to really work hard to not
6 talk over each other. It's hard; it inevitably
7 happens. It's the way regular conversation goes, but
8 you have to wait for me to finish a question, and I
9 have to wait for you to finish an answer.

10 Do you understand that?

11 A. I do understand.

12 Q. When you give me these answers, you know,
13 I'm comfortable with you giving me estimates, but not
14 guesses. Just to give you a brief example of the
15 difference between the two, you were outside today so
16 you might be able to estimate the temperature outside
17 here in Seattle. However, unless you were recently in
18 Spain, I don't expect that you would know what the
19 temperature was in Barcelona. So that would be a
20 guess versus an estimate. So estimates are okay, but
21 I don't want any guesses today.

22 If you don't understand a question that
23 I've asked you, I need you to tell me you don't
24 understand it and ask for clarification. I'm happy to
25 try to make it clearer. Undoubtedly, as this goes on,

1 I will ask you a question that doesn't make any sense.
2 So, please stop me, and ask questions if you need to.

3 Do you understand that?

4 A. I do understand.

5 Q. I am amenable to taking breaks whenever you
6 need them. You need to have a glass of water, use the
7 restroom, that's totally fine. The only caveat on
8 that is if there's a question outstanding I'll need
9 an answer before I can agree to go on a break.

10 A. Sounds good.

11 Q. Is there any reason that you would have
12 trouble providing truthful or your best answers today?
13 Any medical conditions, medications, anything like
14 that?

15 A. There is not.

16 Q. So just to start this off, I want to find
17 out some background information about you. Are you
18 currently employed?

19 A. I am currently employed.

20 Q. Who is your employer?

21 A. DirecTV.

22 Q. What position do you hold at DirecTV?

23 A. Currently the systems trainer.

24 Q. And how long have you been the assistant
25 trainer?

1 A. Systems trainer. Sorry, although assistant
2 trainer is not a bad idea. Three years and change.

3 Q. And before that what job did you have?

4 A. Supervisor. Field operations supervisor.

5 Q. Also for DirecTV?

6 A. Yes, sir.

7 Q. And how long were you a field operations
8 supervisor?

9 A. I was for just about a year.

10 Q. And before that job?

11 A. I was a field technician for three months.

12 Q. For DirecTV?

13 A. Yes, sir.

14 Q. So that would have been in roughly 2008 or
15 2009 that you were a field technician?

16 A. 2010.

17 Q. That would make sense. My math is not what
18 it used to be. And before you were a field
19 technician?

20 A. I was working for another company, Ma and
21 Pa.

22 Q. What did you do there?

23 A. It was computer repair A through Z, systems
24 build, computers. IT stuff.

25 Q. Did it have anything to do with cable

1 television or dish?

2 A. We installed DirecTV on a small scale as a
3 retailer, so to speak, for DirecTV.

4 Q. Okay. How long did you do that job?

5 A. A year and a half.

6 Q. What about before that?

7 A. I was a finish carpenter. And then the
8 market crashed.

9 Q. Construction jobs dried up a little. All
10 right. What kind of education do you have?

11 A. High school.

12 Q. Did you do any community college or
13 anything like that?

14 A. I dabbled in DeVry, but didn't continue it
15 through.

16 Q. All right. So starting with when you were
17 working for DirecTV, what did you do as a field
18 technician?

19 A. I was responsible for installing customers'
20 DirecTV systems. Ensuring the project was installed
21 to their satisfaction and making sure they were happy
22 when I was walking out the door.

23 Q. Did DirecTV employ you directly?

24 A. Uh-huh, they did.

25 Q. How did the process work when you were

1 given a job to do installing a system?

2 MR. KELLY: Vague and ambiguous. Can you
3 be more specific, please.

4 MR. MILLER: Sure.

5 Q. When you were a field technician, how did
6 the process work being getting assigned a job, going
7 to do the job, and that sort of thing?

8 A. First thing in the morning, supervisor at
9 the office that I reported to gave me my work for the
10 day. And it was my job to make sure that they were
11 taken care of after that.

12 Q. So when you say gave you the work for the
13 day, was it multiple jobs? One job at a time?

14 A. It could have been multiple. It could have
15 been one, depending on what the day's workload looked
16 like.

17 Q. But if there was more than one job you got
18 it all at the start of the day?

19 A. Correct.

20 Q. And how did you get to the work sites?

21 A. With the company vehicle.

22 Q. Did the company vehicle have DirecTV logos
23 on it?

24 A. It did, yes, sir.

25 Q. Did you have any financial responsibility

1 for that vehicle?

2 A. I did not.

3 Q. What kind of equipment did you need to do
4 the job? Again, let me be clear. When you were a
5 field operations technician going out to do these
6 calls.

7 A. Could you clarify what type of -- I mean,
8 there was a lot of equipment that went into the
9 process. So it depends on -- there's a lot of gray
10 area in that question.

11 Q. Fair enough. What sorts of jobs were you
12 assigned as a field operations technician, or field
13 tech, sorry?

14 A. New installs, upgrades, service calls,
15 former installs.

16 Q. What's a former install?

17 A. A customer that's been a customer before at
18 some point and is returning back to us.

19 Q. What kind of equipment did you need for new
20 installs?

21 A. A satellite to mount on the house. Cable.
22 Receivers for inside the house. Fittings to attach to
23 the end of the cables. Video cords. Audio cables to
24 attach to the customer's equipment in their premise.

25 Q. Is there anything else?

1 A. Silicone. Stuff to make the customer's
2 house aesthetically and leave it in the same or better
3 shape than when we left.

4 Q. Did you have hand tools?

5 A. I did.

6 Q. So where did this equipment come from?

7 A. Came from our warehouse at our facility.

8 Q. Including the hand tools?

9 A. They did.

10 Q. Did you have any financial responsibility
11 for the equipment?

12 A. Did not.

13 Q. Just to be clear, when I say "financial
14 responsibility," you weren't required to pay for it or
15 to insure it or anything like that?

16 A. I was not.

17 Q. What kind of equipment did you need for
18 upgrades?

19 A. Mostly receivers. Some small times we
20 required video and audio cables to replace some cable.
21 Some upgrades required us to -- almost like a new
22 install. So, ODU and the whole works.

23 THE COURT REPORTER: What did you say?

24 THE WITNESS: ODU, outdoor equipment.

25 Q. And what kind of equipment did you need for

1 service calls?

2 A. It depended on what we were going for. If
3 we were going to replace a box that had died, then
4 just the receiver itself. If we were going to realign
5 an ODU because they didn't -- the wind had knocked it
6 out or something along those lines, just the tools we
7 needed to upgrade those or to realign those.

8 Q. And when you were doing a former install,
9 was that the same kind of equipment you needed for a
10 new install?

11 A. Pretty much.

12 Q. Were there any differences?

13 A. Some former installs, they might already
14 have the equipment still because they were -- they
15 might have left to a new competitor, and it might have
16 been a couple weeks. And then coming back with the
17 same equipment.

18 Q. Sure. When you were a field technician,
19 who did you report to?

20 A. I reported to my field supervisor.

21 Q. And is that the field operations supervisor
22 position you eventually held?

23 A. That is correct.

24 Q. Who was your field operations supervisor at
25 that point?

1 A. His name?
2 Q. Yes.
3 A. Is Kevin Church.
4 Q. Do you know who his supervisor was?
5 A. At the time?
6 Q. Yes.
7 A. It was Mike Riles, R-I-L-E-S.
8 Q. And what position did Mr. Riles hold?
9 A. He was an operations manager, an area
10 operations manager.
11 Q. When you were a field technician, did you
12 have any occasion to interact with other field
13 technicians?
14 A. I did.
15 Q. When did you meet them?
16 A. If we were swapping equipment because they
17 needed something, or if I needed something, or towards
18 the end of the day, when we were tying up the last
19 part of -- bit of our jobs and we'd reach out to each
20 other, see if anyone needed any help.
21 Q. Did you only talk to DirecTV's field
22 technicians, or did you ever talk to other field
23 technicians that weren't directly employed by DirecTV?
24 A. Only DirecTV field technicians.
25 Q. So you had no overlap with, say,

1 contractors?

2 A. Correct.

3 Q. So, how did you come to be field operations
4 supervisor?

5 A. I sat down with the regional director of
6 operations, Chris King, at the time, and made mention
7 that I was interested in the opportunity, and got in
8 front of a couple interviews, and transferred from
9 Yakima to Lynnwood, Washington, and became field
10 supervisor.

11 Q. You miss Yakima?

12 A. No.

13 Q. So what was the -- what were your job
14 duties as field operations supervisor for DirecTV?

15 A. It was manage the daily life cycles of our
16 technicians through coaching and mentoring and
17 assisting them through their daily interactions with
18 our customers.

19 Q. How many people did you supervise?

20 A. At the most it was 19.

21 Q. And were those all DirecTV employees?

22 A. That is correct.

23 Q. Did you have any responsibility for other
24 cable installers that weren't directly employed by
25 DirecTV?

1 A. There was a period of time where I was the
2 supervisor assigned to AIS.

3 Q. How long were you assigned to AIS?

4 A. For seven months.

5 Q. And when we say "AIS" we're talking about
6 Advanced Information Services?

7 A. Correct.

8 Q. One of the parties to this lawsuit?

9 A. Correct.

10 Q. When were you responsible for AIS
11 installers?

12 A. It was from 2010 to mid 2011. Late 2010 to
13 late mid 2011. Excuse me.

14 Q. Do you know months, by any chance?

15 A. I'm trying to remember. October through to
16 August of 2011.

17 Q. Okay. October 2010, August 2011?

18 A. Correct.

19 Q. Was that in addition to the 19 DirecTV
20 installers that you were supervising?

21 MR. KELLY: Vague and ambiguous as to "was
22 that in addition." What are you asking, please.

23 Q. Were the AIS installers that you had
24 responsibility for, was that in addition to the 19
25 DirecTV employees that you were supervising?

1 MR. KELLY: Mischaracterizes the prior
2 answer. You can answer.

3 A. I was not -- not at the same time, no.

4 Q. So they switched you from the in-house
5 installers over to AIS?

6 A. Correct. No. It was other way. It was
7 AIS first and then in-house.

8 Q. Okay. So when you were promoted to field
9 office supervisor you initially had responsibility for
10 AIS installers?

11 A. Correct.

12 Q. So you told me you managed the daily cycles
13 of the technicians. Can you tell me a little bit more
14 about that?

15 A. As far as my in-house technicians?

16 Q. Let's start with them, sure.

17 A. Well, the in-house technicians, it was
18 making sure they had their work for the day, if they
19 needed any product or gear. Making sure that they
20 were set up to be successful to take care of our
21 customers, and making sure they had the right mindset.
22 Sometimes you need the mindset to be successful out
23 there in the field.

24 Q. Did you have any metrics by which you were
25 judging their performance?

1 A. I did.

2 Q. What were those metrics?

3 A. Cross SIN, which stands for service in X
4 amount of days. Meaning we rolled to a job and a
5 service call was generated so many days later. We
6 also measured service on service. So if we rolled to
7 a service call and that job, after we closed the
8 service call, another service call was created, we
9 measured that metric. If we -- DPP, which is our
10 protection plan sales. Ensuring the customer's
11 product and their peace of mind is satisfied through
12 DPP.

13 The OTG, or on-time guarantee, making sure
14 that we're getting to our customers on time, in a
15 timely fashion. And it's been a long time. Those are
16 the major ones that we measured that were important to
17 our customers and to our staff.

18 Q. Okay. So the ones you mentioned, this SIN,
19 service on service, sometimes SOS --

20 Is that what it's called?

21 A. Correct.

22 Q. -- DPP sales and OTG, those are the ones
23 you recall as being important to DirecTV at that
24 point?

25 A. To our customers. Not to DirecTV.

1 Q. Did DirecTV have a different set of metrics
2 it was interested in?

3 MR. KELLY: Question is vague and
4 ambiguous.

5 A. (Shaking head.)

6 Q. At that time?

7 MR. KELLY: Still vague and ambiguous. You
8 can answer if you understand.

9 A. (Shaking head.)

10 Q. Got to answer out loud.

11 A. No. I didn't care what DirecTV was worried
12 about. I cared about what my customer was worried
13 about.

14 Q. So you said that you help the in-house
15 technicians with mindset sometimes; right?

16 A. Uh-huh.

17 Q. Was that, then, in response to the kinds of
18 numbers you were seeing on these metrics?

19 A. That is correct.

20 Q. So did you have one-on-one counseling
21 sessions with the technicians?

22 A. Uh-huh, I did.

23 Q. At that point did you have the power to
24 terminate in-house technicians if they weren't meeting
25 any of these requirements?

1 A. I could not terminate directly. There was
2 a process it has to go through. HR and legal has to
3 be involved. There has to be lots of follow-up. Lots
4 of kickoff to get the process going.

5 Q. Could you recommend terminations?

6 A. I could.

7 Q. Did you?

8 A. I did twice, yes.

9 Q. Were the individuals terminated after your
10 recommendation?

11 A. They were.

12 Q. Did you have any power to hire the in-house
13 technicians?

14 A. I did. We were part of the interview
15 process, yes.

16 Q. But, again, I assume you didn't have final
17 say on hires?

18 A. No.

19 Q. How many people did you hire during the
20 time you were a field operations supervisor as
21 in-house technicians?

22 A. I'm guessing at this point. It's well over
23 30.

24 Q. Is that a guess or an estimate?

25 A. It's -- yeah, we're going to go with an

1 estimate. Yeah.

2 Q. Was there a lot of turnover?

3 A. We had a lot of churn, yeah.

4 Q. When you gave in-house technicians the
5 product or the gear they needed to the jobs, this is
6 the kind of product and gear we were discussing that
7 you used as a field technician; right?

8 A. That is correct.

9 Q. Where was the equipment stored?

10 A. In our local warehouse, in Lynnwood,
11 Washington.

12 Q. So I'm just trying to get a sense of how
13 the business worked when you were a field office
14 supervisor. Did you have, like, a main office where
15 people met in the morning?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. We did, yes.

19 Q. So you had an office where everyone met in
20 the morning to get their jobs; is that right?

21 A. Correct.

22 Q. And where was that in relationship to the
23 warehouse where the equipment was stored?

24 A. The same location.

25 Q. So one building had a warehouse plus office

1 space?

2 A. Correct.

3 Q. Do you know, is that the same location
4 that's being currently used by DirecTV?

5 A. It is, yes.

6 Q. And how long had that been the location, if
7 you know?

8 A. It's been over five years. Six years. So
9 it's been over six years.

10 Q. Okay. So since before you started working
11 for DirecTV?

12 A. Correct.

13 Q. So you provided them with equipment and
14 gear. You monitored their mindset with reference to
15 some metrics, some of which you described. Was there
16 anything else you did in managing the in-house
17 technicians when you were a field operations
18 supervisor?

19 MR. KELLY: Calls for a narrative. You can
20 answer.

21 A. Kind of being their go-to guy. I called it
22 their Rock of Gibraltar. Being there for the people
23 was our motto. Making sure that they're taken care of
24 was our motto. It was best driven so we could make
25 sure we had a good, positive work environment, and

1 sometimes that required conversations outside of the
2 actual term of employment. So, yeah, we did those
3 interactions with them.

4 Q. What kind of conversations outside the term
5 of employment did you have?

6 A. If they had personal issues going on. Mom
7 just passed away or sister was sick. Stuff like that.

8 Q. So did you also respond to requests for
9 assistance if something was going wrong at a job and
10 they needed additional help?

11 A. For the in-house technicians?

12 Q. Yes.

13 A. Yes.

14 Q. What kind of problems did they have when
15 they called you, the in-house technicians?

16 A. Mostly technical questions regarding the
17 product or the equipment that we're installing.
18 Sometimes they called for advice on how to handle a
19 situation when it came to doing the installation
20 itself.

21 Q. Did you ever refer these technical
22 questions to anyone else?

23 A. I was considered the go-to guy for
24 technical within the office, so if I did it was
25 someone else inside the company, but that was rare.

1 Q. So we've been talking about the in-house
2 technicians, which is what you were, the field
3 technician, right, before you became field operations
4 supervisor. Now I'd like to ask you some questions
5 about the AIS installers.

6 A. Okay.

7 Q. So, again, you were field operations
8 supervisor. This is the period that's October of 2010
9 to August of 2011; right?

10 A. Uh-huh.

11 Q. Is that yes?

12 A. That is correct.

13 Q. So what kind of interactions did you have
14 with the AIS installers during that period?

15 A. I did not have any interactions with them,
16 per se, like I would as a field supervisor for
17 in-house technicians.

18 Q. How was it different?

19 A. I dealt directly with their supervising
20 staff in a peer-to-peer fashion with AIS management
21 team.

22 Q. And what kind of interactions did you have
23 with the AIS management team?

24 A. If they had questions about any kind of
25 products that we were about to launch. New equipment.

1 Make sure that they were taking care of the customers
2 the same way that we asked our technicians to take
3 care of our customers. They would be there to support
4 the management team.

5 Q. So was that less work than when you had the
6 in-house technicians?

7 A. Oh, absolutely.

8 Q. Who did you deal with on the AIS management
9 team?

10 A. Name-wise?

11 Q. If you remember.

12 A. Jason Scarry, Matt Henderson. Tim -- I
13 can't remember his last name. And Ray Martinez on the
14 rare occasion. He primarily directed me straight to
15 his management team.

16 Q. When you did deal with Mr. Martinez, did
17 you find him easy to work with?

18 A. Absolutely, I did.

19 Q. Was the AIS management responsive to your
20 information?

21 A. They were.

22 Q. Why did you stop having responsibility for
23 the AIS installers?

24 A. So we, internally as a company with DirecTV
25 staff in Lynnwood, we came to a conclusion that it was

1 truly a waste of time for me to directly supervise the
2 contracting team. It was a business decision for --
3 in advance for my career, as well to prepare me for
4 some of my next comings that I was planning on. It
5 gave me an opportunity to take over the team of 19 to
6 truly get the direct report status built under my
7 career and my resume.

8 Q. Did you ever answer technical questions for
9 AIS installers?

10 A. Only if one of their supervisors was
11 calling or asking the question.

12 Q. Now, is it just that none of the installers
13 ever actually called you, or is it that you wouldn't
14 have taken the call for the AIS installers?

15 A. Yeah. I wouldn't have taken the call from
16 them. I would have preferred them to have their
17 supervisor call me and speak with me directly.

18 Q. Did it ever happen that an AIS installer
19 tried to call you directly?

20 MR. KELLY: Calls for speculation.

21 A. (Nodding head.)

22 Q. It has?

23 A. It has.

24 Q. Do you remember anything about the
25 circumstances?

1 A. I don't.

2 Q. And your response at that time, when they
3 tried to contact you, was "You need to call your
4 supervisor"?

5 A. That is correct.

6 Q. Going back to the in-house technician for a
7 moment. What role did you play in setting their
8 schedules? This is again in-house technicians, what
9 you were, a field technician.

10 A. Depended on what we needed for the
11 business. Depended on whether we were running five
12 days or six days. And our customers always come
13 first, and we want to make sure that they have all
14 opportunity to -- for us to get to them within a
15 certain day's amount of period. We always strive for
16 three or less days. So we always work on our
17 availability within our in-house technicians to ensure
18 that we could achieve that goal.

19 Q. Did you set the schedules for the in-house
20 technicians?

21 A. We did it as a group, but there were some
22 individual opportunities when we saw fit through
23 approval process still with the site manager.

24 Q. So do you know how the schedules were set
25 for the field technicians, the in-house installers?

1 A. It's been a while, but it was typically an
2 eight to six opportunity, just to soft book a window,
3 so to speak, and we would allow the work to fit into
4 that window based on the packages, the three S's, what
5 we called the skill set service region, and schedule.

6 Q. And when these in-house installers went
7 out, did you provide them with the work assignment?

8 A. We did sometimes. Early in my time as a
9 supervisor, we were in the process of transitioning to
10 a digital hand-held type process. So some techs got
11 paper copies. Some techs got digital copies.

12 Q. Did they get -- did these in-house
13 technicians get all of the jobs for a day or did they
14 get one job at a time?

15 A. It was all the jobs.

16 Q. Was that true the whole time you were a
17 field operations supervisor?

18 A. (Nodding head.)

19 Q. So, the actual assignment of routes was
20 done somewhere above you or did it involve you?

21 A. No. The assignment was way above.

22 Q. All right. So you would get some "Here are
23 the routes that need to go today"?

24 A. (Nodding head.)

25 Q. Did it tell you which installers need to

1 have those routes or did you have any decision making
2 in that?

3 A. It was kind of 50/50. It depended on
4 customers' needs, what kind of specific customer times
5 we were dealing with. The type of job as well.

6 Q. So sometimes you would get installer A
7 needs to go do this job at this place, and sometimes
8 you would get, we have these jobs, find some
9 installers?

10 A. (Nodding head.)

11 Q. Is that right?

12 A. Right.

13 Q. For the in-house technicians, did you ever
14 change installers on a job?

15 A. For the in-house?

16 Q. Yes.

17 A. We can. We could. We did. Depended on
18 customer situation.

19 Q. So you might do it in response to a
20 customer issue?

21 A. (Nodding head.)

22 Q. Are there any other reasons you might do
23 it?

24 A. High profile jobs. Example, Russell
25 Wilson's house. We would send someone appropriate.

1 Q. So you'd send the best technician?

2 A. Correct.

3 Q. As a field operations supervisor, what kind
4 of -- or did you have any training responsibility with
5 respect to the in-house technicians?

6 A. As a field supervisor?

7 Q. Yeah.

8 A. The continuation from what training they
9 were receiving via the trainer at the time. Making
10 sure that they were implementing those practices out
11 in the field, yeah.

12 Q. Did you do any kind of weekly trainings
13 with the in-house technicians?

14 A. We did safety weekly topics. Yes, we did.

15 Q. How did you do the safety topics training?

16 A. Our safety team provides us with a pre-
17 setup document, and they just want us to recap what's
18 on the document, and then the technician is required
19 to sign it stating that they've completed that.

20 Q. And then do you just do these as meetings
21 like at the warehouse?

22 A. Correct.

23 Q. When you provided equipment to the in-house
24 technicians, did you actually physically provide the
25 equipment, or did you send a manifest to the

1 warehouse?

2 A. The manifest went to the warehouse and they
3 pulled it for us.

4 Q. So we talked earlier with the in-house
5 technicians about, you know, helping them with their
6 mindset with relationship to some metrics that DirecTV
7 had that were customer driven. Did you have a formal
8 performance review process with the in-house
9 technicians?

10 A. Well, during the one-on-one phase, that's
11 when we did the formal review.

12 Q. Was that once a year?

13 A. Once a month, or whenever they requested.
14 I tried to do it once a month.

15 Q. Did you document those performance reviews?

16 A. Sometimes we did. Sometimes we did not.

17 Q. How were the in-house technicians paid?

18 A. Via commission.

19 Q. So they didn't have an hourly rate? They
20 were just paid as per job?

21 A. It's the best way to -- it's a very
22 convoluted question. It's a loaded question.

23 Q. Well, can you explain how they were paid?

24 A. I still have struggled explaining how they
25 get paid. The best way I've ever thought of it is you

1 do the job and you're paid for that job is the
2 easiest, really, way to explain it. There's a lot
3 that goes into that for the in-house technicians.

4 Q. Can you tell me the things that go into it?

5 A. The type of work order. The type of line
6 items that are in the work order. Any special
7 requests from the customer. Some technicians are paid
8 for special items that they do in the home.

9 Q. And so when you say "line items" that's
10 like an individual task within the job?

11 A. Correct.

12 Q. So, you know, install a second DirecTV box
13 would be a line item?

14 A. Correct.

15 Q. And so then there's some formula based on
16 what those line items are and how many of them are
17 that determine the value of the job?

18 A. That is correct.

19 Q. Did DirecTV ever run any incentive plans
20 for the in-house cable installers?

21 A. Would you clarify "incentive plans"?

22 Q. Sure. Were there ever offers of more money
23 for the in-house installers for hitting certain kinds
24 of performance goals, say, related to -- I think you
25 mentioned DPP sales earlier?

1 A. DPP is one of them. Depending on what --
2 at the time back in 2010 it was just DPP, protection
3 plan process. It was -- for in-house technicians it
4 was four dollars for successful sign-up for the
5 protection plan.

6 Q. So per sale they were getting four dollars?

7 A. Correct.

8 Q. So I'm going to ask you some more questions
9 about the AIS installers, obviously, but first I want
10 to ask you about your current position as systems
11 trainer. Can you tell me what that job is?

12 A. Sure. Implement new field training. New
13 programs. We do the new-hire field training for --
14 anyone coming in to work with DirecTV as an installer
15 goes through our six or nine-week course. Safety
16 training. We're typically involved as the safety
17 go-to guy in the offices.

18 Q. Okay. Do you have any direct reports?

19 A. I do not.

20 Q. You say there's a six to nine-week course
21 for new installers; is that right?

22 A. That is correct.

23 Q. Is that only in-house technicians or does
24 that apply to everybody?

25 A. That's for in-house only as far as I am

1 aware.

2 MR. MILLER: Can we go off the record for a
3 moment.

4 (Recess.)

5 Q. So when you were a field operations
6 supervisor, who did you report to?

7 A. At the time, initially when I first got
8 there it was Marsha Stephens.

9 Q. How long did you report to Ms. Stephens?

10 A. It was until February of 2011.

11 Q. Then who did you report to?

12 A. Marc Mastin. Marc With a C.

13 Q. And who do you report to as systems
14 trainer?

15 A. Currently?

16 Q. Yes.

17 A. Her name is Jody Wagner.

18 Q. Have you reported to other people?

19 A. So I'm going to go timeline. From Marc it
20 went to Dustin Dunlap. Dustin Dunlap's title was
21 operations manager, and then operations manager,
22 again, his name was Cameron Malanify. Cameron
23 Malanify got promoted and then it became Johnny
24 Collins. And then I moved to Denver, Colorado, and
25 reported to Jody Wagner.

1 Q. So, Mr. Dunlap, Mr. Malanify --

2 A. Malanify.

3 Q. -- and Mr. Collins were all operations
4 managers?

5 A. Correct.

6 Q. And they're all people you reported to when
7 you were a field operations supervisor?

8 A. When I was a trainer.

9 Q. Okay. So did you report to Marc Mastin for
10 the remainder of the time you were a field operations
11 supervisor?

12 A. Correct. Sorry I laughed because there's
13 been so many.

14 Q. Do you currently live in Denver?

15 A. I do.

16 Q. When you were a field operations
17 supervisor, did you ever work on any installations
18 personally?

19 A. With another technician on site, yes.

20 Q. Did that occur frequently?

21 A. Depended if the guys were calling me asking
22 for help, or if we're running late in the day and they
23 know they're going to be out there, I'll zip out there
24 and help them out.

25 Q. So, is this part of your troubleshooting

1 function?

2 A. Yeah.

3 Q. Did you ever work on installations with AIS
4 cable installers?

5 A. I did not.

6 MR. KELLY: Can you keep your voice up.

7 THE WITNESS: Yes.

8 MR. KELLY: Repeat your answer.

9 THE WITNESS: "I did not."

10 Q. Did you ever cover installations that had
11 been initially assigned to AIS employees?

12 A. "Cover"? Can you elaborate on that?

13 Q. Sure. Did it ever occur that an AIS cable
14 installer was unable to complete a job for some reason
15 and you covered it?

16 A. Myself?

17 Q. Yes.

18 A. No.

19 Q. Did that ever occur where you assigned an
20 in-house technician to cover it?

21 A. Yes.

22 Q. Was that frequent?

23 A. No, it was not.

24 MR. MILLER: Okay. I'd like to start
25 showing you some exhibits and ask you some questions

1 about them. These are all going to relate to AIS
2 installers.

3 I'll have the court reporter mark this as
4 Exhibit 1.

5 (Marked for identification Exhibit 1.)

6 Q. Take a moment to look at the exhibit. It's
7 a fairly short e-mail. Let me know when you've had a
8 chance to review it, and I'll ask you some questions.

9 A. Okay.

10 Q. First of all, Mr. Guttormsen, do you see at
11 the bottom this is marked DTVe0143663?

12 A. I do.

13 Q. Do you recognize this e-mail?

14 A. I do.

15 Q. Is it an e-mail that you sent on December
16 31st, 2011?

17 A. It is.

18 Q. So looking at this e-mail, there's an
19 original at the bottom, and then it looks like your
20 response; is that right?

21 A. Correct.

22 Q. Who's Chris Harfst, H-A-R-F-S-T? This is
23 on the original message.

24 A. He looks like a supervisor for AIS.

25 Q. And you're making that assumption based on

1 the fact that his e-mail address is Chris@AIS
2 systems.pro?

3 A. Correct.

4 Q. Was that the e-mail extension for the AIS
5 supervisors?

6 A. That is correct.

7 Q. So reading his message, it looks like he's
8 telling you that one of the AIS installers requested a
9 period of time off?

10 A. Uh-huh.

11 Q. Why is he sending you this message?

12 A. So we have in the system that, as the soft
13 booking schedules process, they -- their technicians
14 are in that same system, and they don't have access to
15 remove their technicians when they need time off. So
16 our policy from them was to send us an e-mail what
17 they need and then we'll reply that it's been
18 completed.

19 Q. Were there ever occasions where you would
20 not approve the time that they requested?

21 A. I would never un-approve them unless it was
22 within a one day or less than a 24-hour notice, unless
23 it was obviously the vehicle was broken or whatever
24 situation. But, no, we would never deny their time-
25 off requests.

1 Q. Again, unless it was so close to the day
2 they were supposed to work that this would cause a
3 scheduling problem?

4 A. Well, if it's an impacting process where
5 they're unable to work because they're sick, then
6 we're going to take those all the time. He's
7 requesting time off in this e-mail, so we need a
8 two-week, at least, advance notice for that to happen.

9 Q. And if it was less than two weeks then they
10 might not get the time off?

11 A. No. Based on case-by-case scenario. We'll
12 work with them the best we can, but we did require at
13 least two weeks notice.

14 MR. MILLER: All right. I'm going to show
15 you another exhibit. I'll have the court reporter
16 mark this as Exhibit 2.

17 (Marked for identification Exhibit 2.)

18 Q. And, again, please take a moment to review
19 it. Let me know when you've been through it to your
20 satisfaction, and then I'll ask you some questions.

21 A. Okay.

22 Q. So, again, if you look at the lower
23 right-hand corner of this e-mail, you see that it's
24 labeled DTVe0143839?

25 A. That is correct.

1 Q. Do you recognize this e-mail?

2 A. I do.

3 Q. What is it?

4 A. So it looks like the original e-mail from
5 Bronson we were stating that we were sending them
6 their route for the day. The second e-mail from Matt
7 Henderson states "We got a route for Yair," who is
8 supposed to be on vacation the 8th of January, or
9 until the 8th of January, excuse me. They stated they
10 will see what they can try to get picked up, but we
11 will need help. And then I replied back saying his
12 route has been taken care of.

13 Q. Okay. So based on this, your understanding
14 is that Yair had been scheduled for some routes on
15 that day; is that correct?

16 A. Uh-huh.

17 Q. And what they were telling you is that he
18 was on vacation until the 8th?

19 A. Correct.

20 Q. And then you rearranged the schedule of
21 some other installers in order to cover his routes?

22 A. Right. Put it back into a big pool and
23 everyone had the opportunity to take care of it.

24 Q. Did installers get to ask for specific
25 routes?

1 MR. KELLY: Vague and ambiguous.

2 A. Their installers?

3 MR. KELLY: He just said the same thing.

4 Q. You were clarifying. First the in-house
5 technicians, did they have an opportunity to request
6 specific routes?

7 A. No.

8 Q. What about the AIS installers?

9 A. I can't answer that question. I didn't
10 directly supervise them.

11 Q. How did the routes get given to AIS?

12 A. So we had the work that was soft booked
13 into their tech numbers, and the routes were sent to
14 them via an e-mail the night before, and most recently
15 the same day, and their responsibility was to
16 disseminate to the appropriate technicians.

17 MR. MILLER: I'd like to show you another
18 exhibit. I'm going to have the court reporter mark
19 this as Exhibit 3.

20 (Marked for identification Exhibit 3.)

21 Q. And, again, take a moment to look at it and
22 let me know when you've reviewed it.

23 A. Okay.

24 Q. And so, looking at Exhibit 3 again, on the
25 right-hand corner, do you see that it's marked

1 DTVe0144002?

2 A. That is correct.

3 Q. Do you recognize this e-mail?

4 A. I do.

5 Q. What is it?

6 A. So they had a technician Igor and might --
7 excuse me, Mike Knight. Igor wanted to be off on the
8 27th through the 28th, back on the 30th. And Mike
9 Knight was off on February 8th. And my reply,
10 however, not so funny now, stated that they have been
11 entered.

12 Q. When you say "they," you're talking about
13 AIS?

14 A. Correct.

15 Q. And so again this is just -- you were just
16 making a little joke about denying them; is that
17 right?

18 A. Yes.

19 Q. But as we discussed, there were certain
20 standards under which it might have been denied?

21 A. Not that I've ever denied, but I can't
22 speak for anyone else if they've denied them.

23 Q. But earlier you told me that if it was less
24 than two weeks request and it wasn't an emergency that
25 they might be denied; right?

1 MR. KELLY: Objection. Record speaks for
2 itself. Mischaracterizing his testimony. We're not
3 going to back and say what he did tell you. You can
4 ask the question if you want, counsel, because that
5 wasn't his answer.

6 MR. MILLER: He can still answer.

7 MR. KELLY: No. That's not a question
8 about what he already told you. If you have a
9 question you can clarify. If you want him to clarify,
10 I have no problem asking him to clarify. That isn't
11 what the record shows.

12 MR. MILLER: Again, are you instructing him
13 not to answer?

14 MR. KELLY: That question because what I've
15 put on the record. If you want him to clarify what
16 the practice was with respect to approving requests
17 for time off, I have no objection to you asking him
18 that question.

19 MR. MILLER: Well, I'm going to move on,
20 but I don't think it's appropriate to instruct him not
21 to answer unless it's a matter of privilege. So, you
22 know, in the future --

23 MR. KELLY: I don't want to get into it
24 with you, Jeremiah, but we're not going to sit here
25 and testify about what he did testify. If you want to

1 have his testimony read back, we can do that.

2 MR. MILLER: Look, I understand your
3 position, but I'm just telling you mine, that unless
4 it's a privilege I don't think it's appropriate for
5 you to instruct him not to answer.

6 Anyway, moving on. I want to show you
7 another exhibit. I'm going to ask the court reporter
8 to mark this as Exhibit 4. It's a two-page exhibit.

9 (Marked for identification Exhibit 4.)

10 Q. So, as usual, go ahead and review this.

11 A. Thank you.

12 Q. And let me know when you've finished.

13 A. Okay.

14 Q. So, first, do you see at the lower
15 right-hand corner this is marked as DTVe0143795?

16 A. I do.

17 Q. And the second page is consecutively
18 numbered ending in 796?

19 A. Yes.

20 Q. And in fact the second page contains
21 exactly two words, "Thanks" and "Tim"?

22 A. Yeah.

23 Q. Do you recognize this e-mail exchange?

24 A. I do.

25 Q. Can you tell me what it is?

1 A. So Tim's original e-mail at 10:18 stated
2 they wanted tech No. 816975 to have customer's last
3 name, account number, and have it be put on tech No.
4 816993. Approximately an hour-and-some-change later,
5 they requested what the status of the re-tech was.
6 Says: The tech has now been on site for 45 minutes.
7 Our operations manager, in-house operations manager,
8 stated, "We need to take care of these quicker." The
9 accountability puts -- that we put on the AIS team, we
10 don't want them to have these types of excuses.

11 And then my excuse followed up with we were
12 extremely short-staffed for a period of time --

13 Q. Okay.

14 A. -- is basically what we're stating.

15 Q. And when you say "they," Tim and the
16 request, that's all coming from AIS?

17 A. Yeah. The first two e-mails were the AIS
18 request. The second two, Dustin's reply and my reply,
19 were in-house followed up only.

20 Q. Do you know what he means by the
21 accountability, what Dustin means when he says "the
22 accountability we have put in place on the AIS team"?

23 A. Getting them on site to their jobs the same
24 time that we require our technicians to be on site, by
25 8:00, and taking care of our customers through the

1 daily work flow. Also, the accountability process is
2 during the day, the on-time guarantee process.
3 Ensuring that we're at our customer's house within the
4 window that we've told them to be there with.

5 Q. And then your response you say that there
6 were "only two of us working sup wise." I assume
7 that's short for supervisor?

8 A. Supervisor, yes.

9 Q. And then you say, "Bronson is on the
10 islands and I just got done with a 40-foot job." Who
11 is Bronson?

12 A. Bronson is a peer at this time. He's a
13 supervisor with myself in-house.

14 Q. So he's another field operations
15 supervisor. And "on the islands" you mean like the
16 San Juan Islands?

17 A. That is correct, yeah.

18 Q. And what's the 40-foot job?

19 A. So if we have a technician that calls in
20 for a 40-foot job we bring the ladder out to them.
21 It's not a ladder they carry on their vehicles because
22 it does require two people put the ladder up.

23 Q. So you were out assisting another
24 technician putting up a very high dish or something?

25 A. That is correct.

1 Q. Do you know what Mr. Dunlap thought you
2 should have done in response to this request?

3 A. I was really trying to get Dustin to handle
4 it for us since he had the ability to do so.

5 MR. KELLY: He's asking if you know what
6 Dustin meant.

7 A. No. Dustin was just making sure he was
8 doing his job.

9 Q. Well, what could have been done to address
10 this request?

11 A. Dustin could have done it for us and then
12 gave us the e-mail.

13 Q. When you say did it for you, what do you
14 mean? What would he have done?

15 A. So down here when we -- at this stage of
16 2011, in our Siebel system, I had to take the job and
17 drag and drop it to the next technician, to the one
18 that they requested. And that's all it took because
19 of my time that I was locked up on the 40-foot ladder
20 and Bronson was in a no cell-coverage area.

21 Q. And then just one other question about
22 terminology. In this e-mail, the second e-mail from
23 Tim at AIS Systems, this is the one that you pointed
24 out as about 11:28 a.m., about an hour after the first
25 one. He says, "What is the status of the re-tech?"

1 Is "re-tech" a term that you used in inside DirecTV?

2 A. It was just kind of a term that they
3 started stating when they wanted it to go from tech 1
4 to tech 2 or tech A to tech B.

5 Q. So it's just shorthand for changing the
6 technicians?

7 A. Right.

8 MR. MILLER: I think I'll show you another
9 exhibit I'm going to have the court reporter mark as
10 Exhibit 5.

11 (Marked for identification Exhibit 5.)

12 Q. Take a moment to review it and let me know
13 when you're done.

14 A. Okay.

15 Q. All right. So first, in the lower
16 right-hand corner, do you see this document is marked
17 DTVe0143835?

18 A. I do.

19 Q. Do you recognize this e-mail exchange?

20 A. Yes, I do.

21 Q. What is it?

22 A. So Matt stated that he would be going --
23 they had no -- excuse me. They had no equipment for
24 their routes tomorrow for two of their technicians
25 that lived up in Oak Harbor; would it be possible to

1 exempt them, meaning that we could pull quota from
2 them so they wouldn't soft book work and so they could
3 get equipment to them.

4 Spencer Dennis, my predecessor field
5 supervisor with DirecTV, asked Dustin what his
6 thoughts were. And then I replied, because I was
7 making a trip up to see in-house technicians on the
8 island, that I could take the equipment with me and
9 have them pick it up from the parking lot.

10 Q. At the time of this e-mail exchange, which
11 is September 20, 2011, were you still a field
12 technician?

13 A. September, okay. Yes, I was.

14 Q. Because Spencer would have been the field
15 operations supervisor?

16 A. Both of us were supervisors, field
17 operations supervisors.

18 Q. Oh, at the same time?

19 A. At the same time.

20 Q. But you were a field tech here?

21 A. No. So at September 2011 I was still a
22 field supervisor. Spencer Dennis was my predecessor
23 for the contracting supervisors, a contract he did,
24 what I took over.

25 Q. Okay.

1 A. And we kind of worked together. I was also
2 in a phase here of starting to take over some in-house
3 technicians, which is why I was going up to the
4 island.

5 Q. Okay. So this is right before you stopped
6 doing contractor oversight; is that right?

7 A. Right.

8 Q. And then, just for clarification, the first
9 e-mail you're referring to from Matt, that's Matt
10 Henderson, who is again at AIS Systems or AIS
11 supervisor?

12 A. Correct.

13 Q. So, the idea was you would take the gear
14 from the warehouse in Lynnwood with you when you were
15 going up to the islands anyway and stop off someplace
16 and give it to the AIS installers; is that right?

17 A. Correct.

18 Q. Did that happen frequently?

19 A. No.

20 Q. Did you do that on more than this occasion?

21 A. I think it happened a total of two times.

22 Q. Do you know if that was a method that was
23 used by DirecTV to distribute equipment?

24 A. It was to get our customers taken care of
25 so that we didn't have to reschedule any of their

1 jobs.

2 Q. Apart from giving AIS installers equipment
3 when they needed it to do the job, are you aware of
4 any other times that DirectTV gave the AIS installers
5 tools they needed?

6 A. Tools?

7 Q. Yeah.

8 A. No.

9 MR. MILLER: So I'm going to show you
10 another exhibit. Have the court reporter mark this as
11 Exhibit 6.

12 (Marked for identification Exhibit 6.)

13 Q. Go ahead and review this. When you've
14 finished looking at it let me know and I'll ask you
15 some questions about it.

16 A. Okay.

17 Q. First, do you see in the lower right-hand
18 corner of this document it's marked DTVe0143981?

19 A. Correct.

20 Q. Do you recognize this e-mail?

21 A. I do.

22 Q. What is it? Or e-mail exchange I should
23 say.

24 A. So Spencer Dennis, our field supervisor
25 DirectTV, was asking the AIS supervisors if Miguel can

1 pick up a job on his way out to Issaquah. They
2 replied back to us that they -- excuse me. AIS
3 replied back to us saying that they did not have any
4 equipment until 11 today, and he also has four
5 technicians who he cannot give anything until 11 p.m.

6 To my reply to them, both in-house and AIS,
7 was a practice that we frequently used where if the
8 warehouse has nothing we try to recoup it off the
9 vehicles that currently have it in their -- in storage
10 in their vehicle. Instead of stating we don't have
11 anything, let's go pull from what's out in the field
12 already to make something work, which is what I was
13 replying to them, saying, have you gone through all
14 your techs' vehicles and pulled any gear that you may
15 not need. That way you're not waiting for 11 a.m.
16 keeping our customers happy process.

17 Q. Okay. So you were just suggesting a way
18 they can get equipment quicker than the --

19 A. 11 a.m. And he replied 11 p.m. further
20 down, but yeah, before the 11 a.m. arrival of the
21 equipment. "Is there a way you could make it
22 quicker?"

23 Q. And, again at this point, you were a field
24 operations supervisor?

25 A. December 30, 2011. No. I was a systems

1 trainer. I became 11-11 -- sorry -- 11-10-2011.

2 Q. So if you were a systems trainer, do you
3 know why you were on this e-mail exchange?

4 A. Still transitioning. The e-mail that we
5 used, the "Lynnsups@mydtvhs.com" is a forwarding
6 e-mail for all the Lynnwood supervisors, all the
7 in-house supervisors. So we were one team, one goal,
8 taking care of all of our customers.

9 Q. So, at that point, you were still getting
10 some e-mail that related to your field operations
11 supervisor job?

12 A. Correct.

13 MR. MILLER: I'm going to show you another
14 exhibit that I'm going to have the court reporter mark
15 as Exhibit 7. It will be a multi-page exhibit.

16 (Marked for identification Exhibit 7.)

17 Q. So go ahead and have a look at this. It's
18 a longer exhibit. There's an e-mail followed by
19 what's an attachment. You know, if you want to read
20 every word, you can. If you just want to scan it to
21 see if you know what it is, that's probably sufficient
22 for the questions I want to ask you, but of course
23 take your time.

24 Have you looked at it? Are you ready?

25 A. I am ready.

1 Q. So, first, do you see at the lower
2 right-hand corner of this exhibit the document is
3 marked DTVe0147523?

4 A. It is.

5 Q. And then that there are consecutively
6 numbered pages then going from -- all the way out to
7 ending in 528?

8 A. 528, correct.

9 Q. So, first, on this first page of Exhibit 7,
10 do you recognize this e-mail?

11 A. I do.

12 Q. What is it?

13 A. This is an e-mail from myself to the
14 in-house supervisors, care of Marc Mastin, site
15 manager, and Dave Clements, who is also a service
16 manager with DirecTV. The e-mail is some of the
17 supervisors letting them know that their weekly safety
18 tailgate and sign-in sheet are attached, and I've also
19 printed out their sign-in sheets and hung them on
20 their clipboards that I've kept in my office.

21 The following pages are the weekly safety
22 tailgate topic that are required to be read by an
23 in-house technician, and that sign-in sheet that goes
24 on the clipboard is what they would sign stating that
25 they have read the material.

1 Q. So these are the safety trainings we talked
2 about earlier?

3 A. Correct.

4 Q. And you did these weekly; right?

5 A. That is correct.

6 MR. MILLER: I'll show you another exhibit
7 I'm going to have the court reporter mark as Exhibit
8 8. It's another multi-page exhibit.

9 (Marked for identification Exhibit 8.)

10 Q. And again, go ahead and review this. You
11 know, take whatever time you need to read it, and then
12 let me know and I'll ask you some questions about it.

13 A. I'm ready.

14 Q. So first, looking at this exhibit, do you
15 see in the lower right-hand corner, on the first page,
16 it says DOL 003531?

17 A. 3531, that is correct.

18 Q. And that the pages are then consecutively
19 numbered ending in 534 following that?

20 A. 534, correct.

21 Q. Do you recognize the e-mail exchange in
22 this exhibit and the associated attachment?

23 A. I do.

24 Q. Can you tell me what it's about?

25 A. Yeah. The beginning e-mail from Matt to

1 DirectTV in-house group was, does anyone know how to
2 reconfigure a Mac to hook up broadband. Dustin Dunlap
3 then forwarded it to myself because I was not included
4 on the original e-mail. Was I not part of the Lynn
5 sups distrib at that time.

6 And then my reply back to Kent supervisors,
7 the Lynnwood supervisors, Dustin and Samantha Pierron,
8 who works down in the Lacey office, was a question:
9 "Are you hooking to up an airport or a what? A Mac is
10 a desktop or a laptop." And then I attached the tech
11 tip from satinstalltraining.com website that in-house
12 and contractors and ma and pa retailers all have
13 access to stating how to successfully do an Apple
14 airport connection.

15 Q. And then the attachment is the thing you
16 cited; right?

17 A. Right. This is the attachment, what would
18 be downloaded from satinstalltraining.com.

19 Q. Looking at the first page of Exhibit 8, the
20 e-mail that's at the bottom, it's from you. It's to
21 Kent supervisors, which has an aisystems.pro extension
22 to it?

23 A. Uh-huh.

24 Q. What is Kent supervisors?

25 A. So they did the same thing that we had

1 created with the Lynn sups at myDTVHS. That Kent,
2 that AIS systems pro, went to all of their management
3 team.

4 Q. So AIS was located in Kent?

5 A. Yes, sir.

6 Q. Why were you sending this information to
7 AIS?

8 A. Matt's original request was asking us if we
9 know how to reconfigure that broadband to a Mac or
10 hook up a Mac to a broadband, and Dustin forwarded to
11 me for me to answer their question.

12 Q. I see. So the first e-mail is from
13 somebody to AIS?

14 A. Right.

15 Q. So you see up here at the top that Matt
16 Henderson has forwarded this on to some people?

17 A. Right.

18 Q. Do you recognize any of these people on the
19 "To" line for this e-mail at the top of page 1 of
20 Exhibit 8?

21 A. Ryan Caldara sounds like one of their
22 supervisors they had for a while.

23 "Ogaserv.dtv@comcast.net," I'm reading the e-mail
24 address up here, they don't ring a bell. No. Could
25 be their tech. Speculation at this point.

1 Q. So you became a systems trainer in,
2 roughly, February of 2012. Is that about right?

3 A. It was November of 2011.

4 Q. And I may have asked you this before. You
5 know, if I did, tell me, but your training
6 responsibility as a systems trainer, does that cover
7 all installers or only the in-house technicians?

8 A. Just the in-house technicians.

9 MR. MILLER: I'm going to show you another
10 exhibit I'm going to have the court reporter mark as
11 Exhibit 9.

12 (Marked for identification Exhibit 9.)

13 Q. And again, please have a look at this
14 exhibit and let me know when you've had a chance to
15 review it. Again, it's fairly long. For the purpose
16 of my question, I'm not sure you need to read every
17 sentence, but please take whatever time you need.

18 THE WITNESS: I'm ready if you are.

19 MR. KELLY: Thank you. You can ask him.

20 Q. So looking at the first page of Exhibit 9,
21 do you see in the lower right-hand corner it's marked
22 DTVe0142865?

23 A. That is correct.

24 Q. And then the exhibit continues
25 consecutively numbered to 874?

1 A. That is correct.

2 Q. Do you recognize this e-mail and
3 attachment?

4 A. I do.

5 Q. What is it?

6 A. So this was the afternoon of Friday, the
7 9th of December, and it was their route sheet for the
8 following day, the 10th of December.

9 Q. When you say "their route sheet"?

10 A. AIS.

11 Q. Excuse me.

12 A. AIS, I'm sorry.

13 Q. It's AIS's route sheet for that day, for
14 the following day?

15 A. Yes.

16 Q. So looking at the route sheet -- you can
17 just look at page 2 of this exhibit, the one that's
18 marked DTVe0142866. So this chart is arranged where
19 it has a tech number, a tech name, a start time, an
20 order number, a customer name, service address, and
21 then some contact information; is that right?

22 A. Correct.

23 Q. So these route sheets that you sent to AIS,
24 or this route sheet that you sent to AIS, laid out the
25 actual jobs per technician?

1 A. Correct.

2 Q. Is this how they looked always when you
3 sent them out?

4 A. (Nodding head.)

5 Q. Yes?

6 A. Yes.

7 MR. MILLER: I'd like to show you another
8 exhibit. I'm going to have the court reporter mark
9 this as Exhibit 10.

10 (Marked for identification Exhibit 10.)

11 Q. Take a moment to review this e-mail and let
12 me know when you're done.

13 A. Okay.

14 Q. So, first, do you see at the lower
15 right-hand corner of this exhibit it's labeled
16 DTVe0147615?

17 A. That is correct.

18 Q. Do you recognize this e-mail?

19 A. I do.

20 Q. Can you tell me what it's about?

21 A. So, it was a string of e-mails that are not
22 part of this, talking about work that was for pickup.
23 I replied to the Kent@AIS systems.pro work e-mail,
24 stating that one of the jobs for pickup, a Marita
25 Miller has been put on one of their technicians, and

1 that I had called a customer to let her know that we
2 would be arriving outside of the window of
3 opportunity, which, at this time, was a four to eight.
4 And letting them know the dish was already mounted
5 the house and cables could be ran to the room, and it
6 should be a fairly simple install for them.

7 Q. So you'd say this is missing a chain of
8 e-mails?

9 A. The work for pickup.

10 Q. Do you know what e-mails are missing?

11 A. It would be an e-mail chain stating how
12 many jobs, what jobs are available for pickup. And it
13 would have all the customers, the account number and
14 the customer's name, and what region that it was in so
15 that they could pick from that list, and we could pick
16 from that list until we got all of our customers
17 installed for the day.

18 Q. And so this is sort of at the end where
19 you're responding, well, I gave this AIS installer
20 this job?

21 A. Correct.

22 MR. MILLER: I'm going to show you another
23 exhibit I'm going to have the court reporter mark as
24 Exhibit 11.

25 (Marked for identification Exhibit 11.)

1 Q. When you've had a moment to review this,
2 let me know and I'll ask you some questions.

3 A. Okay.

4 Q. Okay. So first, looking at the lower
5 right-hand corner of this document, do you see that it
6 is labeled DOL 002835?

7 A. I do.

8 Q. Do you recognize this e-mail?

9 A. I do.

10 Q. What is it?

11 A. This was an e-mail from myself to the AIS
12 management team with a CC to Chris King and Marc
13 Mastin -- Chris King, the RDO; Marc Mastin the site
14 manager -- stating that in the last seven days there
15 was no new SIN7's created. So no service calls called
16 in on a customer that they've installed in the last
17 seven days, with an attaboy. And then just the
18 details below, their technicians by week, which is the
19 first column you see in the middle of the page ending
20 3-26, ending 4-2, 4-9, and 4-16.

21 And then the below section is when the
22 activity was created, meaning when the customer called
23 in for the service call, the previous activity number
24 of the service call, why, or the reason -- the "sub
25 area" is why we were going back out. And -- or,

1 excuse me, the new activity number. The prior
2 activity number, which is the fourth column, which is
3 the work order that the AIS team would have rolled out
4 to. What type of prior install it was. And then how
5 many days that job lasted, which is the service
6 duration days.

7 Q. Okay. And so -- you may have said this, so
8 forgive me if I'm repeating this here -- this was an
9 e-mail you sent to AIS management; correct?

10 A. Correct.

11 Q. And then you copied -- you said the RDO.
12 What's an RDO?

13 A. Regional director of operations.

14 Q. And at this point that was Chris King?

15 A. Correct.

16 Q. And then Marc Mastin, who was your
17 supervisor at the time?

18 A. Correct.

19 Q. So, as part of your job in dealing with the
20 AIS installers, you monitored this, the SIN7 rates for
21 them?

22 A. Yeah.

23 Q. Did you monitor other metrics like that for
24 the AIS installers?

25 A. I did.

1 Q. Which ones?

2 A. These other metrics that we discussed
3 earlier today.

4 Q. So the SO S?

5 A. Yeah. So, not necessarily SOS because it
6 wasn't a metric that they were measured on because
7 they didn't close service calls. Yes.

8 Q. So maybe not SOS, but then DPP sales?

9 A. Yeah.

10 Q. And then OT G?

11 A. OTG.

12 Q. So the on time guarantee?

13 A. Yes, sir.

14 Q. And would you provide them with feedback
15 about how those metrics were doing?

16 A. We provide them the details. We'd mark out
17 what details that we thought were items for them to
18 look at, primarily letting them control their business
19 so that they can operate and manage their technicians.

20 Q. Sure. So, during the period where you had
21 responsibility for the AIS contract, you had two
22 different supervisors; right? You had Ms. Stephens
23 and then Marc Mastin; is that right?

24 A. That is correct.

25 Q. How was your performance as a field

1 operations supervisor evaluated by those managers?

2 MR. KELLY: Vague and ambiguous. What do
3 you mean?

4 Q. Do you want some more clarification on
5 that?

6 A. Yeah.

7 Q. So, you testified earlier that you reviewed
8 the performance of the in-house technicians that
9 worked for you; right?

10 A. Uh-huh.

11 Q. Was your performance also reviewed in a
12 similar way?

13 A. From Marc and Marsha?

14 Q. Yeah.

15 A. That is correct.

16 Q. What were they looking at when they were
17 reviewing your performance?

18 A. So, we were measured under some of the
19 similar values that the technicians are measured as a
20 team. So it wasn't -- it was an individual
21 performance but as a team metric, so as the SINS and
22 the SOS's and the DPPs process.

23 We were also measured on the overall
24 temperature of our team's, per se, the -- what's the
25 word I'm looking for? Not ethics. Culture. The way

1 the culture is being operated within the team. So
2 we're having those discussions as well, what's going
3 well and what can be improved.

4 Q. Were you formally reviewed?

5 A. Yes.

6 Q. And the whole time you were field
7 operations supervisor, were they looking at the same
8 things with respect to your performance?

9 A. As a field supervisor?

10 Q. Yes.

11 A. Yes.

12 MR. MILLER: I'd like to show you another
13 exhibit I'm going to ask the court reporter to mark as
14 Exhibit 12. It's another, unnecessarily, two-page
15 exhibit.

16 (Marked for identification Exhibit 12.)

17 Q. So like with the other exhibits, take a
18 moment to review this and I'll ask you some questions
19 about it.

20 A. Okay. I'm ready.

21 Q. Well, first, looking at the lower
22 right-hand corner of this exhibit on the first page,
23 do you see that it is marked DTVe0128847?

24 A. That is correct.

25 Q. And that there's a second page that

1 continues at 848?

2 A. That is correct.

3 Q. And the only thing that's on the second
4 page is the DirecTV logo?

5 A. Yes, sir.

6 Q. Do you recognize this e-mail exchange?

7 A. I do.

8 Q. What is it?

9 A. So, on Monday, May 9 of 2011, I took a
10 screenshot of our QC report that we have, one of our
11 metrics that we pull from, and slipped it in an e-mail
12 and sent it to the contractors, letting them know how
13 many visits, how many passes, their percentage, and
14 their month and year status, and then also their
15 year-to-date letting, then how much work was QC'd.
16 And this was sent to the AIS management team.

17 Q. And then the top e-mail is an e-mail from
18 what would have been your supervisor at that point,
19 Marc Mastin?

20 A. That is correct.

21 Q. And he's telling you it's good to see your
22 weekly/monthly up over 50 percent. Is he referring to
23 the QC score down here?

24 A. That is correct.

25 Q. And he wants you to keep trying for 70 by

1 month's end; is that correct?

2 A. That is correct.

3 Q. So what this QC percentage?

4 A. So the QC percentage is based on a
5 pass/fail questionnaire sheet. We have -- at the time
6 we had a QC team whose responsibility was to hit 20
7 percent of our completed work across the office,
8 regardless if it was in-house or contractors. And
9 with the goal of getting feedback to the technician.
10 Letting them know if he was doing installation correct
11 or what could -- what he could work on.

12 Q. I've heard this term in another context.
13 Is this part of, like, an NPS survey?

14 A. No. This is specifically to the
15 craftsmanship, the quality that's installed in the
16 customer's home.

17 Q. So, do you know what NPS stand for?

18 A. I do.

19 Q. What is it?

20 A. Net promoter score.

21 Q. And that's more of a measure of how happy
22 people are?

23 A. Correct.

24 Q. So it doesn't necessarily take into account
25 how competently the job was done?

1 A. That is correct.

2 Q. Do you know if this is -- if this continues
3 to be used by DirecTV, this QC?

4 A. By DirecTV? There are some offices that
5 are using it. I couldn't tell you who they are.
6 Lynnwood does not use this any more.

7 Q. So is this like a different metric than the
8 categories for metrics we've been discussing with the
9 cable installers?

10 A. That is correct.

11 Q. Would this be another one of those metrics
12 that you would have been monitoring for in-house
13 technicians?

14 A. That is correct.

15 Q. And then is it also a metric you monitored
16 for the AIS installers?

17 A. Not for the installers, but the information
18 here stated we passed to them and let them work with
19 their installers on this data.

20 Q. And then, when Mr. Mastin is telling you
21 that it's good to see you over 50 and he wants you to
22 strive for 70, was that a goal that was set for you?

23 A. So the office goal, per the QC department's
24 policy, was 70 percent pass rate or better. And
25 that's why he was -- it's the good attaboy, you're at

1 the right process, let's keep going (indicating).

2 Q. And was that 70 for everyone?

3 A. Yes.

4 Q. When I say "everyone" I mean all the
5 installers.

6 A. In-house, out-house, all-around house.

7 Q. During the time you were a field operations
8 supervisor and responsible for the AIS contractors, do
9 you know how the AIS installers were paid?

10 A. I do not.

11 Q. Do you know how AIS was paid?

12 A. I do not.

13 Q. You had no responsibilities for the
14 paycheck going to those?

15 A. No, sir, I did not.

16 MR. MILLER: I'm going to show you another
17 exhibit I'm going to have the court reporter mark as
18 Exhibit 13.

19 (Marked for identification Exhibit 13.)

20 Q. As with the other exhibits, please take a
21 moment to review this. Let me know when you have and
22 I'll ask you some questions.

23 A. Okay.

24 Q. First, do you see at the lower left-hand
25 corner of Exhibit 13 it's marked DOL 001528?

1 A. That is correct.

2 Q. Do you recognize this document?

3 A. I do not.

4 Q. Earlier we discussed some incentive
5 programs that DirecTV had?

6 A. Okay.

7 Q. Do you remember that?

8 A. I do.

9 Q. And those incentive programs applied to
10 in-house installers and also to the contracting
11 installers?

12 A. As far as in-house, I can speak to. For
13 the contractors, I don't know what incentive plans
14 they had.

15 Q. Okay. So we discussed some of the metrics
16 that you were following at various points when you
17 were a field operations supervisor for either in-house
18 technicians or the AIS installers. Do you remember
19 that?

20 A. I do.

21 Q. Did you receive those metrics purely
22 electronically?

23 A. I did.

24 Q. And do you know where they came from?

25 A. I believe it's a type of analytic group

1 from DirecTV headquarters somewhere that puts all the
2 data together into kind of like a website suppository,
3 so to speak, and we pull from there. That's our term.

4 Q. Really? Wow.

5 (Discussion off the record.)

6 MR. MILLER: Back on the record.

7 Q. Mr. Guttormsen, do you know whether or not
8 AIS still services DirecTV routes?

9 A. No.

10 MR. KELLY: He does know.

11 A. I do know, yes. I do know.

12 MR. KELLY: And the answer to the question
13 is, "No, they don't"?

14 THE WITNESS: Yes. That's what I'm trying
15 to say.

16 Q. So AIS no longer services DirecTV routes?

17 A. That is correct.

18 Q. Do you know when they stopped?

19 A. I don't. No. I transferred out, and
20 during the transfer process that stopped happening, I
21 think.

22 Q. So at some point after you went to Denver?

23 A. Yeah.

24 Q. Which you went to Denver in like --

25 A. November of last year.

1 Q. November of 2014?

2 A. Yes.

3 Q. So sometime in that period is when it
4 stopped?

5 A. It might have -- I was completely out of
6 the picture for all supervisory access regarding
7 contractors for almost the entire year of 2014 doing
8 new-hire classes for in-house, so it might have even
9 -- I know there was talks, but I didn't --

10 Q. Do you know why?

11 A. I don't, no.

12 Q. And then I've got sort of an overall
13 question about the structure of the Lynnwood DirectTV
14 office. There was a Lynnwood office and a Lacey
15 office; is that right?

16 A. That is correct.

17 Q. And you worked, when you were field op
18 supervisor and a field technician, you worked out of
19 Lynnwood?

20 A. Field operations supervisor, Lynnwood;
21 technician, Yakima.

22 Q. That's right. What geographical area did
23 the Lynnwood office cover?

24 A. Basically it was the most southern point of
25 Federal Way, all the way up to the Canadian border,

1 and this side of the peninsula out to Moses Lake/
2 Wenatchee.

3 Q. And then what did Lacey cover?

4 A. Lacey was the northern tip of Federal Way,
5 south, and the whole west side of the peninsula, and
6 their territory stopped somewhere north of Vancouver,
7 Washington.

8 Q. So Lynnwood had, effectively, the entire
9 Seattle metropolitan area?

10 A. Yes.

11 Q. Did it also have Spokane, then?

12 A. Did not have Spokane, but we did have the
13 Seattle metro.

14 Q. When you reported to Marc Mastin, what was
15 his title?

16 A. Site manager.

17 Q. Do you know if he's still working for
18 DirecTV?

19 A. He does.

20 Q. Do you know what his current position is?

21 A. It's regional director of operations.

22 Q. As the systems trainer, do any of your
23 reports go through him?

24 A. Currently?

25 Q. Yeah.

1 A. No.

2 Q. Just trying to get a sense of sort of the
3 corporate structure.

4 A. Sure.

5 Q. So regional director of operations has
6 responsibility over field office supervisors?

7 A. The site managers.

8 Q. The site managers?

9 A. Yes.

10 Q. And then they have responsibility for the
11 field office supervisors?

12 A. Correct.

13 Q. And the field office supervisors have
14 technicians or contract responsibilities or whatever?

15 A. Correct. They may have contractors, yes,
16 but mostly in-house.

17 Q. Mostly in-house. When you were a field
18 office supervisor, were there other contractors
19 besides AIS?

20 A. Not in Lynnwood, no.

21 Q. Are you aware of whether there have been
22 other contractors in Lynnwood since then?

23 A. Not that I'm aware of.

24 Q. All right. Well, I appreciate your time
25 today. Before we close this down, are there any

1 corrections, additions, or clarifications you'd like
2 to make?

3 MR. KELLY: You can clarify anything.

4 A. The only one I wanted to clarify was
5 something back from Exhibit 10.

6 Q. Okay.

7 A. "The Francisco G only has one PM left in
8 Covington." There might have been a phone
9 conversation that the contractor called in and asked
10 me to do this. Going back and looking at it that --
11 we didn't always tag it with "per our conversation" or
12 "per our phone conversation" because the e-mail goes
13 out work for pickup and it has all the work reference
14 stated --

15 THE COURT REPORTER: "And it has all the"
16 --

17 THE WITNESS: Has all the work that's
18 available to be picked up stated in the e-mail.

19 A. And sometimes they'll just call us because
20 it's easier to do that sometimes versus in an e-mail.
21 So there might not be a --

22 Q. An e-mail chain?

23 A. An e-mail chain from that process.

24 Q. But you don't remember specifically with
25 regard to that e-mail?

1 A. No, I don't remember.

2 MR. MILLER: Okay. Well, as we discussed
3 before we started this --

4 MR. KELLY: I have two short
5 clarifications. That's one of them.

6 MR. MILLER: Sure.

7

8 EXAMINATION

9 BY MR. KELLY:

10 Q. With respect to Exhibit 10, would you pull
11 that?

12 A. Okay.

13 Q. Although you've told us that you don't have
14 a specific recollection of that e-mail, when DTV at
15 the time had work available for pickup -- is that a
16 phrase you guys used?

17 A. Yes.

18 Q. So that's a DTV concept as opposed to an
19 AIS concept?

20 A. Yes.

21 Q. Was it the practice to notify the
22 contractor that this work was available?

23 A. Yes.

24 Q. And what would you have expected to happen
25 once that notice went out?

1 A. So we wanted everyone, both in-house and
2 contractors, to have the opportunity to pick up the
3 work, and them getting typically first dibs on the
4 work that they wanted to pick up that best suited
5 their needs for their technicians, and allowing us to
6 pick up whatever is left over. Because we had the gas
7 cards, we can go places. They don't always have that
8 opportunity.

9 Q. Can you tell us how you would have received
10 the name of "Francisco G" as somebody who had
11 availability to pick up that work?

12 A. Again, it could have been a phone call that
13 they stated, hey, would you put that job on Francisco.
14 And because they only had one Francisco at the time
15 that's who we knew to put it on.

16 Q. So you would have received that information
17 from AIS?

18 A. Correct.

19 Q. They told you to give the job to AIS?
20 That's your best recollection?

21 A. Yeah. From AIS supervisors telling us,
22 yes.

23 MR. MILLER: You actually recall them
24 telling you to do that here?

25 THE WITNESS: In this e-mail, no, but there

1 have been times before where we did shoot a
2 work-for-pickup notification and they would call us
3 and state would you please put these jobs on
4 such-and-such-and-such.

5 Q. (By Mr. Kelly) With respect to Exhibit 9,
6 which is a multi-page document called "All AIS," it's
7 a work order apparently.

8 A. Okay.

9 Q. Take a look at that, please, and the
10 attachment.

11 There was testimony in response to
12 questions from Mr. Miller about the -- I think you
13 used the word process by which the work was -- if I
14 use the word "pushed to AIS," is that a phrase you are
15 familiar with?

16 A. No. It would be "soft booked."

17 Q. Fine. Is this an illustration of the soft
18 booking?

19 A. In a sense, yes, but it can be completely
20 modified any way they see fit. So if they have a need
21 where one of their technicians may have called out and
22 they want to pick up the work themselves, then they
23 can do so from this system, from this report.

24 Q. In the time period, let's say, two to three
25 weeks prior to the time Exhibit 9 was prepared, is it

1 fair to say that DTV would have learned that a
2 customer wanted an install at a certain date, certain
3 time, certain time window? Is that how your business
4 runs?

5 A. No.

6 Q. How would you have learned that the
7 customer wanted an install on a certain date?

8 A. So the customer is the one that calls in
9 and assigns -- they're assigned a date based on
10 availability through our soft book system. So imagine
11 a big bowl and we need to fill that bowl with work.
12 And this is how this would be generated from
13 (indicating).

14 Q. Can you tell from Exhibit 9 who performed
15 the installs described on the pages of Exhibit 9, who
16 actually did them?

17 A. It does have tech number and tech name on
18 that, but at the time that these jobs were actually
19 closed, if they moved those jobs around and assigned
20 them to another technician, then this report would be
21 inaccurate.

22 Q. Who is "they"?

23 A. The AIS supervisors.

24 Q. Did you have any understanding as to
25 whether AIS assigned the techs who actually did the

1 work?

2 A. No, sir. Unless they were doing a re-tech,
3 like we stated earlier in one of our exhibits, if they
4 were asking us to put the job onto another technician,
5 then, no, because they could call in and also have
6 that process.

7 Q. Okay. Understood. Take a look at Exhibit
8 7, which you described as -- I think you called it a
9 weekly tailgate?

10 A. That is correct.

11 Q. Multi-page document.

12 A. Yeah.

13 Q. That was a safety training, I think you
14 said?

15 A. That is correct.

16 Q. Was that for contractor techs or for any --
17 just for W-2's?

18 A. This specific training, the 52-week
19 tailgate series that we're talking about, is only for
20 W-2 technicians.

21 Q. If you take a look at Exhibit 5, this was
22 an e-mail about them not having equipment, and you
23 saying "I might be going up there anyway." Do you
24 recall that testimony?

25 A. I do.

1 Q. When you used the term "equipment," are you
2 talking about tools?

3 A. I am not.

4 Q. Can you just clarify for the record what
5 you mean by "equipment"?

6 A. Equipment specifically related to the
7 installation of the customer's DirecTV system. So
8 receivers and L&B's that would go on the end of
9 ODU's to allow the signal to be received by the
10 receiver.

11 Q. The box, the dish, is that what you mean by
12 "equipment"?

13 A. Correct.

14 Q. Looking at Exhibit 6, this also deals with
15 "We don't have equipment, we're waiting until 11:00."
16 Do you recall that testimony?

17 A. I do.

18 Q. Was it the practice, while you were in the
19 position, to provide tools to AIS techs if they didn't
20 have tools?

21 A. Tools, no. We would not do that.

22 Q. And when you were suggesting that you go
23 through the trucks to see what equipment you had, what
24 equipment were you asking them to check and see what
25 they had on hand?

1 A. That's equipment that we have issued them
2 from our warehouse that's been flagged as equipment
3 needed to perform the installation for the customer's
4 specific request.

5 Q. Again, the dish, the cable, the box; is
6 that right?

7 A. Yes, sir.

8 Q. You used the term "re-tech" both in
9 response to the questions from Mr. Miller and
10 recently. If you take a look at Exhibit 4, this is
11 the one where, to be flip, there was some issue about
12 the speed with which you responded to the request for
13 a re-tech; is that right?

14 A. That is correct.

15 Q. So they were asking DirecTV to re-tech?

16 A. The contractors, AIS, was asking DirecTV to
17 take job -- down here "Yango" is the customer's last
18 name -- and put it onto technician B.

19 THE COURT REPORTER: I'm sorry, I couldn't
20 hear you.

21 Q. And it's a document that's with the system
22 or in the system?

23 A. Yes.

24 Q. If you take a look at Exhibit 3, this is
25 the exhibit that shows you're not going to be on

1 Comedy Central any time soon. Do you recall that?

2 A. I do.

3 Q. So, again, they were giving you information
4 about who had time off approved and were asking you to
5 document it so they wouldn't be soft booked. Do I
6 have that right?

7 A. Yes, sir.

8 Q. Take a look at Exhibit 2. This concerns an
9 AIS tech by the name Yair, I believe his name is,
10 Y-A-I-R?

11 A. Yes.

12 Q. And again, am I correct in understanding
13 Exhibit 2 is a request from AIS to DTV simply to show
14 that somebody is unavailable on a certain date?

15 A. Correct.

16 MR. KELLY: And I don't have anything else.

17 MR. MILLER: So, as we discussed before we
18 went on the record, we're going to waive the notary
19 requirement and you guys will have two weeks to review
20 once you get the transcript.

21 MR. KELLY: So stipulated. Madam reporter,
22 counsel and I are friends here, that we've been living
23 together for the last couple of weeks. So there are
24 stipulations in prior volumes. We have another
25 deposition set for tomorrow in this room.

1 Will you be our reporter for tomorrow?
2 THE COURT REPORTER: Yes.
3 MR. KELLY: Then we'll agree to the same
4 stip.
5 MR. MILLER: Those same two stipulations
6 that we just discussed?
7 MR. KELLY: Yes.
8 MR. MILLER: That's fine. Thank you for
9 your time. Appreciate it very much.
10 (Deposition concluded at 11:17 a.m.)
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D E C L A R A T I O N

I declare under penalty of perjury that I
have read my within deposition, and the same is true
and accurate, save and except for changes and/or
corrections, if any, as indicated by me on the
correction sheet hereof.

Dated this _____day of _____,
2015.

JOSHUA GUTTORMSEN

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the annexed and foregoing deposition consisting of Page 1 through 85 was taken stenographically before me and reduced to a typed format under my direction;

I further certify that according to CR 30(e) the witness was given the opportunity to examine, read and sign after the same was transcribed, unless indicated in the record that the review was waived;

I further certify that all objections made at the time of said examination to my qualifications or the manner of taking the deposition, or to the conduct of any party, have been noted by me upon said deposition;

I further certify that I am not a relative or employee of any such attorney or counsel, and that I am not financially interested in said action or the

1 outcome thereof;

2 I further certify that the witness before
3 examination was by me duly sworn to testify to the
4 truth, the whole truth and nothing but the truth;

5 I further certify that the deposition, as
6 transcribed, is a full, true and correct transcript of
7 the testimony, including questions and answers, and
8 all objections, motions, and exceptions of counsel
9 made and taken at the time of foregoing examination
10 and was prepared pursuant to Washington Administrative
11 Code 308-14-135, the transcript preparation format
12 guideline;

13 I further certify that I am sealing the
14 deposition in an envelope with the title of the above
15 cause and the name of the witness visible, and I am
16 delivering the same to the appropriate authority;

17

18 IN WITNESS WHEREOF, I have hereunto set my hand,
19 and affixed my official seal this 9th day of
20 February 2015.

21

22 _____
23 Certified Court Reporter No. 2498
24 in and for the State of
25 Washington, residing at Shoreline,
Washington.

1	ERRATA SHEET FOR THE DEPOSITION OF JOSHUA GUTTORMSEN		
	DATE TAKEN: JANUARY 28, 2015		
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25	DEPONENT'S SIGNATURE_____DATE_____		